8

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,491	10/10/2003	John Willard Howard	9090-0001-02	1462

22852 7590 05/19/2004

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EXAMINER	
TAYLOR, VICTOR J	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.** 10/682,491	**Applicant(s)** HOWARD ET AL.
	Examiner Victor J. Taylor	**Art Unit** 2863

-- The MAILING DATE of this communication appears on the cover she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Office Action*.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101, which states, "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-21 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-15 of prior U.S. Patent No. 6,678,615. Claims 16-21 are rejected as based on the rejected base claims. This is a double patenting rejection.

For example with regards to the independent limitations as found in the instant application of claims 1, 5, 8, 12, and 15 and independent claims 1, 5, 8, 12, and 15 as found in the U. S. Patent 6,678,615. In the instant application US 10/682,491 and the U. S. Patent 6,678,615 the independent claim limitations are found as follows.

Independent claims in instant application Number 10/682,491	Claims in prior art US Patent number 6,678,615
What is claimed is:	What is claimed is:

1. A computer-implemented method of evaluating a characteristic or trait present at and in the vicinity of a geographic location from plural, initially non-georeferenced maps that depict the characteristic or trait being evaluated and other related data and that have been georeferenced, which comprises: (a) constructing a virtual bounding box around each inset of the maps; (b) defining a virtual rectangular geographic grid system covering the total area covered by the maps; (c) for each grid rectangle that intersects an inset bounding box, tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; (d) if there is intersection of a grid rectangle and an inset, adding the identity of the inset to a list associated with the grid rectangle; (e) geocoding the location of the geographic location; and (f) examining the insets contained in the list associated with the one grid rectangle containing the geocoded location, and, using the data thereon, performing the evaluation.	1. A computer-implemented method of evaluating a characteristic or trait present at and in the vicinity of a geographic location from plural, initially non-georeferenced maps that depict the characteristic or trait being evaluated and other related data and that have been georeferenced, which comprises: (a) constructing a virtual bounding box around each inset of the maps; (b) defining a virtual rectangular geographic grid system covering the total area covered by the maps; (c) for each grid rectangle that intersects an inset bounding box, tracing the inset enclosed by the bounding box to determine if here is intersection of the grid rectangle and the inset; (d) if there is intersection of the grid rectangle and the inset, adding the identity of the inset to a list associated with the grid rectangle; (e) geocoding the location of the geographic location; and (f) examining the insets contained in the list associated with the one grid rectangle containing the geocoded location and, using the data thereon, performing the evaluation.
5. A computer-implemented method of performing trait evaluations for real property using plural, initially non-georeferenced flood maps, comprising: (a) forming a raster image of each flood map; (b) constructing polygons enclosing each inset of the flood maps; (c) georeferencing the flood maps by the use of another georeferenced map that depicts the same geographic area as the flood maps; (d) constructing a bounding box around each inset polygon; (e) defining a virtual rectangular geographic grid system; (f) for each grid rectangle that intersects an inset bounding box, tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; (g) If there is intersection of a grid rectangle and an inset, adding the identity of the inset to a list associated with the grid rectangle; (h) geocoding the location of the geographic location; and (i) examining the insets contained in the list associated with the one grid rectangle containing the geocoded location, and, using the data thereon, performing the evaluation.	5. A computer-implemented method of performing trait evaluations for real property using plural, initially non-georeferenced flood maps, comprising: (a) forming a raster image of each flood map; (b) constructing polygons enclosing each inset of the flood maps; (c) georeferencing the flood maps by the use of another georeferenced map that depicts the same geographic area as the flood maps; (d) constructing a bounding box around each inset polygon; (e) defining a virtual rectangular geographic grid system; (f) for each grid rectangle that intersects an inset bounding box, tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; (g) If there is intersection of the grid rectangle and the inset, adding the identity of the inset to a list associated with the grid rectangle; (h) geocoding the location of the geographic location; and (i) examining the insets contained in the list associated with the one grid rectangle containing he geocoded location and, using the data thereon, performing the evaluation.
8. A computer system for evaluating a characteristic of a geographic location from plural, initially non-georeferenced maps that	8. A computer system for evaluating a characteristic of a geographic location from plural, initially non-georeferenced maps that

depict the characteristic being evaluated and other related data, the maps having been georeferenced, which comprises: (a) first facilities including a pointing device for constructing a virtual bounding box around each inset of the maps; (b) second facilities for determining each grid rectangle that intersects a bounding box and for tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; (d) third facilities for determining whether there is intersection of a grid rectangle and an inset, and, if there is, for adding the identity of the inset to a list associated with the grid rectangle; (e) fourth facilities for geocoding the location of the geographic area; and (f) fifth facilities for examining the list of insets contained on the list associated with the grid rectangles containing the geocoded location and those grid rectangles proximate there, and, using the data thereon, for performing the evaluation.	depict the characteristic being evaluated and other related data, the maps having been georeferenced, which comprises: (a) first facilities including a pointing device for constructing a virtual bounding box around each inset of the maps; (b) second facilities for determining each grid rectangle that intersects a bounding box and for tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; (c) third facilities for determining whether there is intersection of a grid rectangle and an inset, and, if there is, for adding the identity of the inset to a list associated with the grid rectangle; (d) fourth facilities for geocoding the location of the geographic area; and (e) fifth facilities for examining the list of insets contained on the list associated with the grid rectangles containing the geocoded location and those grid rectangles proximate there, and, using the data thereon, for performing the evaluation.
12. A computer system for performing flood zone certifications for real property using plural, initially non-georeferenced flood maps, comprising: (a) a scanner for forming a raster image of each flood map; (b) a pointing device for constructing polygons enclosing each inset of the flood maps; (c) first facilities for georeferencing the flood maps by the use of a georeferenced map that depicts the same geographic area as the flood maps; (d) a pointing device for constructing a bounding box around each polygon; (e) second facilities virtually overlaying the vector map with a virtual grid system defined by grid rectangles; (f) third facilities for determining each grid rectangle that intersects a bounding box of an inset, and, if it does, for tracing the inset polygon enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset polygon; (g) fourth facilities for determining whether there is intersection of a grid rectangle and an inset polygon, and, if there is, for adding the identity of the inset polygon to a list associated with the grid rectangle; (h) fifth facilities for geocoding the address of the property; and (j) sixth facilities for examining the list of inset polygons contained on the list associated with the grid rectangle containing the geocoded address; and (k1) if there is only one polygon	12. A computer system for performing flood zone certifications for real property using plural, initially non-georeferenced flood maps, comprising: (a) a scanner for forming a raster image of each flood map; (b) a pointing device for constructing polygons enclosing each inset of the flood maps; (c) first facilities for georeferencing the flood maps by the use of a georeferenced map that depicts the same geographic area as the flood maps; (d) a pointing device for constructing a bounding box around each polygon; (e) second facilities virtually overlaying the vector map with a virtual grid system defined by grid rectangles; (f) third facilities for determining each grid rectangle that intersects a bounding box of an inset, and, if it does, for tracing the inset polygon enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset polygon; (g) fourth facilities for determining whether there is intersection of a grid rectangle and an inset polygon, and, if there is, for adding the identity of the inset polygon to a list associated with the grid rectangle; (h) fifth facilities for geocoding the address of the property; and (j) sixth facilities for examining the list of inset polygons contained on the list associated with the grid rectangle containing the geocoded address; and (k1) if there is only one polygon

address; and (k1) if there is only one polygon on the list, for using the data on its flood map to complete the flood zone certification, and (k2) if there is more than one polygon on the list, for inspecting the polygons to determine which polygon-containing flood map is appropriate and for using the data on that one flood map to complete the flood zone certification.	on the list, for using the data on its flood map to complete the flood zone certification, and (k2) if there is more than one polygon on the list, for inspecting the polygons to determine which polygon-containing flood map is appropriate and for using the data on that one flood map to complete the flood zone certification.
15. A computer-implemented method of preparing plural, initially non-georeferenced maps that depict a characteristic or trait at and near a geographic location so as to be usable for evaluating the characteristic or trait at the location, the maps having been georeferenced, which method Comprises: (a) constructing a virtual bounding box around each inset of the maps; (b) defining a virtual grid of identical rectangles corresponding to the total area covered by the maps; (b) for each grid rectangle that intersects a bounding box, tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; and (d) if there is intersection of a grid rectangle and an inset, adding the identity of the inset to a list associated with the grid rectangle, so that thereafter, when the location is geocoded and the list of insets associated with the grid rectangle containing the geocoded location is examined, data on such insets permits the evaluation to be effected.	15. A computer-implemented method of preparing plural, initially non-georeferenced maps that depict a characteristic or trait at and near a geographic location so as to be usable for evaluating the characteristic or trait at the location, the maps having been georeferenced, which method comprises: (a) constructing a virtual bounding box around each inset of the maps; (b) defining a virtual grid of identical rectangles corresponding to the total area covered by the maps; (c) for each grid rectangle that intersects a bounding box, tracing the inset enclosed by the bounding box to determine if there is intersection of the grid rectangle and the inset; and (d) if there is intersection of a grid rectangle and an inset, adding the identity of the inset to a list associated with the grid rectangle, so that thereafter, when the location is geocoded and the list of insets associated with the grid rectangle containing the geocoded location is examined, data on such insets permits the evaluation to be effected.

As to dependent claims 2-4,6-7, 9-11, 13-14, and 16-21 variously dependent on the rejected base claims. These claims stand rejected as rejected on the rejected base claims.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor J. Taylor whose telephone number is 517-272-2281. The examiner can normally be reached on 8:00 to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571-272-2863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VJT
10 May 2004

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